

Track 3:

Understanding Legal and Policy Issues





Track 3: Understanding Legal and Policy Issues

3A. Legally Speaking: A Primer on Brownfields Legal Issues

Level: 100
Date: Tuesday, December 07, 1999
Time: 8:45 - 10:15 AM
Location: Houston C

Purpose: Learn about the legal issues common in the brownfields arena in a classroom setting geared toward the beginner. A layman's explanation of Federal environmental statutes and their interrelationship with State environmental laws will be presented. Hear an important discussion of who would NOT be found liable under these laws.

Abstract: Today's primer on brownfields legal issues will provide participants with a brief overview of how the liability scheme under CERCLA works and why this liability scheme has been a deterrent for brownfields cleanup and redevelopment. The majority of the panel discussion will focus on how states and the federal government are encouraging brownfield cleanup and reuse by reducing and eliminating CERCLA liability concerns at brownfields, and how private parties are utilizing these opportunities.

Panelists will discuss the scope and real-world applications of EPA's Comfort Letter Policy, Prospective Purchaser Agreements at brownfield sites, the liability exemptions for lenders and security interest holders, State Voluntary Cleanup Program Memorandum of Agreements, and other Superfund initiatives that help clarify liability issues. The panelists also plan to discuss how the proposed amendments to CERCLA, that are being considered by the U.S. Congress, could impact the legal issues associated with brownfields.

Speakers and Affiliation:

The Honorable Steven A. Herman (Moderator)
Assistant Administrator

U.S. Environmental Protection Agency
Washington, DC

Robert D. Kellogg
Of Counsel

Shipley, Jennings & Champlin, P.C.
Oklahoma City, OK

Kenneth W. Patterson
Deputy Division Director for the Regional Support

U.S. Environmental Protection Agency
Washington, DC

Jonathan Weisberg
Assistant Regional Counsel

U.S. Environmental Protection Agency (Region 6)
Dallas, TX

The Honorable Steven A. Herman

Steven A. Herman has been serving as Assistant Administrator for U.S. EPA's Office of Enforcement and Compliance Assurance (OECA) since he was confirmed by the U.S. Senate in June of 1993. Mr. Herman is the principal advisor to the U.S. EPA Administrator, Carol Browner, in all matters concerning enforcement of, and compliance with, over 15 federal environmental laws including the Superfund program (Comprehensive Environmental Response Compensation and Liability Act), the Clean Air Act and the Clean Water Act. In his role as the Assistant Administrator for OECA, Mr. Herman is responsible for planning, targeting and preparing civil and criminal enforcement actions; designing and implementing compliance assistance and incentive programs; developing and delivering professional training for federal, state and local enforcement personnel; assuring that federal agencies comply with all environmental statutes; reviewing federal agency environmental impact statements for proposed federal actions affecting the environment; and ensuring a strong working partnership between the states and federal government in environmental enforcement matters.

Prior to joining U.S. EPA, Mr. Herman gained extensive experience with environmental litigation matters as both a manager and staff attorney for the U.S. Department of Justice's Environment and Natural Resources Division, from 1978 through 1993. From 1969 through 1978, Mr. Herman practiced law in the public interest representing low-income communities and groups of prisoners in class action lawsuits. Mr. Herman earned his Bachelor of Arts degree from Rutgers College, and his law degree from Rutgers University School of Law.



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Robert D. Kellogg

Robert Kellogg was an environmental attorney with the State Health Department from 1978 to 1993 when the environmental program was moved into the new Oklahoma Department of Environmental Quality (ODEQ). Mr. Kellogg then became general counsel at ODEQ. Mr. Kellogg retired from state government in February 1998 and joined the Shipley, Jennings & Champlin Firm where he is the “chief cook and bottlerwasher” of their Oklahoma City office.

Abstract: The April 1999 Voluntary Cleanup Program MOA between the Oklahoma Department of Environmental Quality (DEQ) and EPA Region 6 allows for sites regulated under RCRA Subtitle D. It excludes a facility out of substantial regulatory compliance or undergoing RCRA corrective action under an EPA order or agreement. It is a viable option for RCRA sites in Oklahoma that wish to go through the public process, however, the Oklahoma DEQ will not treat the brownfields program as a way around RCRA.

Kenneth W. Patterson

Kenneth W. Patterson recently became Deputy Director of the Regional Support Division in the Office of Site Remediation Enforcement (OSRE), a part of Office of Enforcement and Compliance Assurance at U. S. Environmental Protection Agency's Headquarters in Washington, D.C. OSRE is responsible for developing and implementing national enforcement policy for: the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or "Superfund"); the corrective action provisions of the Resource Conservation and Recovery Act (RCRA); and, the cleanup provisions of the Oil Pollution Act. Mr. Patterson has been part of the OSRE management team since the office's inception, serving previously as the Policy and Guidance Branch Chief and the Acting Deputy of the Policy and Program Evaluation Division. In addition to his management responsibilities, he has regularly represented EPA over the last four years in Superfund reauthorization discussions on Capitol Hill. In 1998, he also served as EPA's representative on the staff of the President's Council on Sustainable Development, and in that capacity served as Director for the National Town Meeting for a Sustainable America. Prior to joining OSRE, Mr. Patterson held various positions relating to Superfund and RCRA enforcement. During his eleven years at the EPA, he has received the Agency's silver medal and five bronze medals.

Before joining EPA in 1988, Mr. Patterson was an administrative law judge in North Carolina's Office of Administrative Hearings, presiding over environmental matters and other administrative proceedings. Prior to this, he spent four years as an assistant district attorney in northeastern North Carolina, prosecuting both felony and misdemeanor dockets. He received his Bachelor of Arts and law degrees from Wake Forest University, and is a member of the North Carolina and District of Columbia Bars.

Jonathan Weisberg

Jonathan Weisberg is a senior attorney in the Superfund Branch of the Office of Regional Counsel of EPA Region 6. He has served as the legal advisor to the Region 6 Brownfields Program since 1995. Prior to joining the EPA in 1993, he served as in-house counsel for Centex Real Estate Corporation, a national homebuilder based in Dallas, Texas, as an associate with the Dallas law firm of Stutzman & Bromberg, and as an attorney-advisor for the U.S. Department of Housing and Urban Development in Washington, D.C. He is a member of the State Bars of Texas and Pennsylvania. He received a Juris Doctor from Washington University School of Law in St. Louis, Missouri in 1987, a Master of Arts from the University of Texas at Dallas in 1984, and a Bachelor of Arts degree from the University of Texas at Austin in 1982.



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3B1. Top Billing: Heard on the Hill

Level: 200
Date: Tuesday, December 07, 1999
Time: 2:15 - 3:45 PM
Location: Houston B

Purpose: Hear from House and Senate staffers, community representatives and local officials as they discuss the possibilities and realities of brownfields legislation. Listen and learn from some of the people who write brownfields legislation, and understand the differences between the "inside the Beltway" and "outside the Beltway" perspectives on legislative issues.

Speakers and Affiliation:

Cliff L. Rothenstein (Moderator)
Deputy Assistant Administrator/OSWER

U.S. Environmental Protection Agency
Washington, DC

The Honorable M. Susan Savage
Mayor

City of Tulsa
Tulsa, OK

Cliff L. Rothenstein

Biography / Abstract not available at time of printing.

The Honorable M. Susan Savage

M. Susan Savage was first elected Mayor of her native city in 1992 and re-elected in 1994 and 1998. Her current term of office ends in 2002. The Tulsa city charter gives the mayor broad administrative and financial responsibilities. As Chief Executive Officer of a major Tulsa employer, Mayor Savage oversees a myriad of services and capital projects made possible by a \$479 million budget. She either serves on or appoints citizens to boards that manage Tulsa's libraries, airports, jails, ambulance service, economic development efforts, public housing, museums, inland waterway port, transit operations and water, wastewater and solid waste systems.

Since her election, Savage has implemented numerous operating efficiencies, expanded and improved public safety services, promoted neighborhood and citizen participation in planning for the community's future, worked to redevelop older neighborhoods and the central business district, led community initiatives to improve secondary and higher education opportunities and worked at all levels of government to ensure Tulsa has clean air and drinking water. During her term in office the community has experienced record job creation and approval of nearly \$1 billion in infrastructure improvements.

Mayor Savage serves on the Presidents Council on Sustainable Development and the National Recreation Lakes Commission, and is a member of the executive board of the U.S. Conference of Mayors, where she chaired the Energy and Environment Committee. She is a past chair of INCOG and serves as a director of the Oklahoma Municipal League.

Prior to her work at City Hall, Mayor Savage served 10 years as executive director of the Metropolitan Tulsa-Citizens Crime Commission, starting programs like Crime Stoppers and Alert Neighbors. Her undergraduate degree is in criminal justice and economics, and she has studied and worked with courts and prison systems in the United States and England.

Mayor Savage is the mother of two children who attend Tulsa Public Schools, and is married to a vice president of a Tulsa-based oil company. She is a graduate of public schools, and volunteers at Booker T. Washington High School as well as serves on several community non-profit boards. She is the granddaughter of the late U.S. District Judge, Royce Savage, who was appointed by Franklin Roosevelt.



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3B2. Top Billing: Heard on the Hill

Level: 200
Date: Wednesday, December 08, 1999
Time: 10:30 - 12:00 AM
Location: Houston B

Purpose: This additional session on brownfields legislation is being offered to participants unable to attend the first session. Hear from House and Senate staffers, community representatives and local officials as they discuss the possibilities and realities of brownfields legislation. Listen and learn from some of the people who write brownfields legislation, and understand the differences between the "inside the Beltway" and "outside the Beltway" perspectives on legislative issues.

Speakers and Affiliation:

Cliff L. Rothenstein (Moderator)
Deputy Assistant Administrator/OSWER

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The Honorable M. Susan Savage
Mayor

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Biography / Abstract not available at time of printing.

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Prior to her work at City Hall, Mayor Savage served 10 years as executive director of the Metropolitan Tulsa-Citizens Crime Commission, starting programs like Crime Stoppers and Alert Neighbors. Her undergraduate degree is in criminal justice and economics, and she has studied and worked with courts and prison systems in the United States and England.

Mayor Savage is the mother of two children who attend Tulsa Public Schools, and is married to a vice president of a Tulsa-based oil company. She is a graduate of public schools, and volunteers at Booker T. Washington High School as well as serves on several community non-profit boards. She is the granddaughter of the late U.S. District Judge, Royce Savage, who was appointed by Franklin Roosevelt.



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3C. Anatomy of a Brownfields Redevelopment Project

Level: 200
Date: Tuesday, December 07, 1999
Time: 4:00 - 5:30 PM
Location: San Antonio A

Purpose: Learn firsthand, through a step-by-step analysis of an actual brownfields project, the legal realities of brownfields redevelopment. Why did it succeed or fail? Which players were involved and which were missing? Most importantly, figure out how you can make your own project work.

Speakers and Affiliation:

John Slavich (Moderator) <i>Shareholder</i>	Guida, Slavich & Flores Dallas, TX
Chuck Epperson <i>Manager, Voluntary Cleanup Section</i>	Texas Natural Resources Conservation Commission (TNRCC) Austin, TX
Allison K. Exall <i>Counsel</i>	Akin, Gump, Strauss, Hauer & Feld Dallas, TX
R. Steven George <i>Division Manager, Industrial Services</i>	Leigh Engineering, Inc. Dallas, TX
Stuart A. Jones <i>President and CEO</i>	American Brownfields Corporation Dallas, TX

John Slavich

John Slavich has a diversified environmental law practice focusing on environmental issues arising in real estate, corporate, and lending transactions and on counseling with regard to environmental compliance issues involving a broad range of industries. He devotes a substantial amount of his practice to resolving issues related to environmentally-impacted properties and to brownfield redevelopment transactions.

Mr. Slavich is a member of the City of Dallas Brownfields Forum and served as a member of a Texas Natural Resource Conservation Commission task force dealing with risk reduction rules revisions and related cleanup matters. He regularly lectures and writes on environmental law topics and is updating his chapter on the Texas Voluntary Cleanup Program for the upcoming second edition of *Brownfields: A Comprehensive Guide to Redeveloping Contaminated Property* (American Bar Association).

Mr. Slavich was admitted to the Bar in Texas. He received his Law Degree from Washington University School of Law, where he was a member of the Board of Editors of the Washington University Law Quarterly. He earned his Master of Business Administration Degree at Southern Methodist University and his undergraduate degree at Earlham College.

Chuck Epperson

Charles Epperson is the manager of the Voluntary Cleanup Section in the Remediation Division of the Texas Natural Resource Conservation Commission. He manages Brownfields project managers and administrative staff who oversee the cleanup of more than 900 sites in Texas. Prior to his current duties, Mr. Epperson has worked for the Texas Natural Resource Conservation Commission and its predecessor agencies for ten years, as a RCRA field investigator and as a remedial project manager and unit manager in the Superfund program.

Mr. Epperson participated in the writing of the Texas Voluntary Cleanup Program and Innocent Owner/Operator laws and their corresponding regulations. He has lectured extensively on administrative and technical issues regarding the Texas Risk Reduction Rules, the Texas Voluntary Cleanup Program, and other Brownfields initiatives in Texas. He is also a member of the Association of State and Territorial Solid Waste Management



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Officials Voluntary Cleanup Task Force. Mr. Epperson attended Southwest Texas State University where he received his Bachelor and Master degrees in Biology.

Allison K. Exall

Allison K. Exall is counsel in the environmental section of Akin, Gump, Strauss, Hauer & Feldm L.L.P. in the Dallas office. Ms. Exall focuses on toxic tort and environmental defense matters. Her practice includes the defense of clients in private party toxic tort cases, as well as before the Environmental Protection Agency and the Texas Natural Resource Conservation Committee. She also has experience with Voluntary Cleanup Program projects and Brownfields Redevelopment Initiatives across the state of Texas.

Ms. Exall received a Bachelor of Arts, cum laude, from Dartmouth College in 1987, and a Juris Doctor from the University of Texas School of Law in 1990. At the University of Texas School of Law, she was a teaching quizmaster from 1989 to 1990, and a member of the Board of Advocates and the Texas International Law Journal from 1988 to 1990.

Ms. Exall is actively involved in numerous other civic organizations. She is a member of the State Bar of Texas, the Dallas Bar Association and the American Bar Association. She is the Vice Chair of Membership of the Toxic Torts and Environmental Litigation Committee of the American Bar Association's Section of Natural Resources, Energy and Environmental law. She also serves on the executive committee of the Environmental Law Section of the Dallas Bar Association. Ms. Exall serves on the board of directors of the Dallas Nature Center and is a volunteer for the St. Philips School and Community Center. She also is a member of the Junior League of Dallas.

R. Steven George

Richard George has been the Industrial Division Manager at Leigh Engineering, Inc. in Dallas, Texas since 1992. He was Project Manager and Geologist at ATEC Associates, Inc. in Dallas, Texas and Columbia, Maryland from 1989 to 1992. He was an Oil and Gas Exploration and Exploitation Geologist in Oklahoma City, Oklahoma from 1980 to 1986.

Over the years he has worked on several projects including, the design and implementation of field investigations to assess the historical environmental impacts of numerous sites throughout the United States. His primary focus has been groundwater and soil remediation and risk assessment closure issues.

Mr. George has provided remedial strategies, litigation support, risk management and closure services for industrial facilities, cities and commercial clients in the United States. His services, to date have focused on providing rapid identification of issues, quantification of risk of the site to potential receptors, allowing for more successful regulatory negotiation. His use of innovative applications of environmental assessment and risk assessment methods have lead to several site closures years ahead of original estimates.

Mr. George is a licensed Oklahoma Corporation Commission UST Consultant, a member of the Texas Natural Resources Conservation Commission, a Certified Corrective Action Project Manager, and he holds a Professional Geologist Registration in the State of Tennessee. He is a member of the City of Dallas Brownfields Forum and the National Ground Water Association.

Mr. George received a Bachelor of Science Degree in Geology from the University of Oklahoma at Norman in 1980. He also took part in the Oklahoma State University Hydrogeology Training program and the Metro Tech Vocational Training Center in Oklahoma City, Oklahoma in May of 1989.

Stuart A. Jones

Stuart Jones is president and CEO of newly-organized American Brownfields Corporation of Dallas, Texas. American Brownfields will serve to consolidate Jones' numerous interests in brownfields since 1993, including completed projects, properties in inventory, current projects and pending transactions. The company will focus on the acquisition and redevelopment of urban and suburban brownfields. Additionally, Jones is involved with private investment banking, including real estate financing and placement of debt and equity capital for the acquisition, expansion, and re-financing of ongoing businesses.

Prior to returning to Dallas in 1993, Stuart served of counsel to The Brock Group in Washington, D.C., assisting client representation in matters of real estate and business development in areas of international pipeline transmission and environmental concerns. Independently, he represented GE Capital in the two largest cash sales of bulk real estate by



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the RTC, one a 5600 unit multifamily affordable housing transaction. He has represented numerous affordable housing clients, including non-profits and government.

In 1988-1989 Stuart was the Deputy Director for Assets, Operations and Liquidations Division at the Federal Savings and Loan Insurance Corporation (FSLIC) headquartered in Washington, D.C. He was responsible for managing \$17 billion in assets, including operating companies and a staff of 450 employees in the FSLIC field offices. He wrote the long-term asset disposition policy adopted by the Federal Home Loan Bank Board and, later, the RTC. He closed FSLIC's only real estate bulk sale. From 1986-1988 Stuart worked at his current business in Dallas, following six years in commercial banking.

Stuart graduated cum laude from Harvard, earning his Bachelor of Arts in Economics in 1977, including graduate studies at the Harvard Business School. He received his Juris Doctorate at Southern Methodist University School of Law in 1979 and earned the Southwest Law Review.

Stuart is a director of AutoBond Acceptance Corp. (AMEX: ABD), Vice Chairman of Special Operations Fund, Washington, D.C. (1992-present), a member of the State Bar of Texas, ULI - the Urban Land Institute (Environmental Council), New Mexico Brownfield Advisory Commission, Dallas Brownfields Forum and maintains an active leadership role in the schools he attended, in politics, and in many civic organizations, including Boys and Girls Clubs of America (National Trustee, 1986-95). A native of Dallas, he is a frequent speaker on brownfield redevelopment.

Abstract: Enabling Brownfields: Seven Convergent Influences

At least seven important influences are converging to enable and encourage brownfields development in the United States. They represent a combination of political, legislative, regulatory, financial, technological and accounting factors acting upon the real estate marketplace. To begin, a brownfield is defined as "abandoned, idled or underutilized commercial or industrial properties with real or perceived environmental contamination."

The announcement of the Brownfields Initiative by the Clinton Administration in May, 1997 raised the debate and elevated the political stakes. Congress since approved federal tax incentives aimed at the costs of cleaning up brownfields, and the General Services Administration (GSA) announced in October, 1997 its plans to divest certain contaminated federal buildings.

The various state governments responded to the passage in 1980 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended in 1986, by adopting state measures to encourage voluntary clean-up of sites by the private sector through the incentive of a completion certificate which effectively eliminates the holder's liability to the state. These voluntary clean-up programs (VCPs) have been crafted with increasing clarity and certainty using relative standards for risk reduction, as science and technology have advanced the ability to measure status and monitor movement of the various contaminants in the different media. Since 1996 the EPA has entered into agreements with several states, including Texas, which essentially provide a release from liability at the federal level. A groundswell of objection from municipalities and private parties in October 1998 caused the EPA to withdraw its proposed guidance, which would have sunset the EPA/state agreements.

Over the last ten years, the insurance industry has responded quickly and with aggressive pricing of various products to insure interests against third party liability in relation to sale and financial transactions, and against cost overruns ("cost caps") in the context of clean-up efforts. Policies to insure payment of the entire cost of a possible future clean-up are offered, priced as a present value of the projected cost. Last year, a major insurance brokerage sold one industrial company an \$800 million policy for a present value of approximately \$275 million.

Next, advances in science and improvements in technology and remediation processes continue to enable better analysis, planning, recovery, treatment and containment of pollutants, to prevent exposure to humans.

The Securities Exchange Commission has an interest in the brownfields issue in the context of full disclosure by public companies pursuant to Rule 10(b)5 of the Securities Exchange Act of 1934. Pioneer efforts to establish protocol, quantification and reporting guidance initiated by the accounting industry have spawned a full-fledged effort by the American Society for Testing Materials (ASTM) through its Committee E51 to establish Standard Practice for Financial Statement Disclosures regarding Environmental Liabilities, and a companion Standard Practice for Estimating Environmental Liabilities.

There is speculation that such proposed voluntary practices could eventually find their way into the body of SEC rules and regulations. It would be an understatement to suggest that this would encourage corporate divestiture of environmentally contaminated real estate.



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The seventh and final major influence is the growing body of developers educated in the risks and rewards of brownfield development and its intensely process-oriented focus.

In conclusion, it is incumbent on a hopeful brownfield developer to assemble a multi-disciplinary team of experienced professionals to address the complex, often conflicting issues referenced in this brief discussion. For the swift (and the brave) over 400,000 brownfield sites in the U.S. lay ahead.



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3D. Going Beyond Superfund: RCRA and Brownfields

Level: 300
Date: Tuesday, December 07, 1999
Time: 8:45 - 10:15 AM
Location: San Antonio B

Purpose: Brownfields is more than just a Superfund issue. Cities across the country are experiencing barriers to redevelopment where landfills and other Subtitle D wastes are prevalent. An in-depth analysis of a successful EPA Resource Conservation Recovery Act (RCRA)/Brownfields redevelopment will be discussed, and up-to-date information on EPA's RCRA Brownfields Prevention Initiative will be provided.

Speakers and Affiliation:

Kenneth S. Komoroski, Esq. (Moderator)
Board Member

Engineers' Society of Western Pennsylvania
Pittsburgh, PA

Denise K. Chamberlain
Deputy Secretary

Pennsylvania Department of Environmental Protection
Harrisburg, PA

Maria Parisi Vickers
Director of RCRA Programs

U.S. Environmental Protection Agency (Region 3)
Philadelphia, PA

Edwin B. Wilson
Director, Environmental Assessment & Remediation

Bethlehem Steel Corporation
Bethlehem, PA

Kenneth S. Komoroski, Esq.

Mr. Komoroski specializes in the practice of environmental law. As a former environmental engineer and manager for a Fortune 100 chemical manufacturing concern, Mr. Komoroski is able to apply these experiences and insights to assist clients through counseling and representation. For the past ten years, Mr. Komoroski has represented manufacturers of products of steel, coke, glass, coatings, chemicals, electronic components, controls, and specialty high-tech materials, as well as oil and gas producers, natural gas transmission companies, electric producers, wood treatment companies and several environmental concerns, including waste disposal, recycling and wastewater treatment companies. He has also represented potentially responsible parties involved with Superfund/CERCLA sites, including participation on steering and technical committees. Mr. Komoroski has represented clients and/or negotiated with EPA headquarters Regions II, III, IV, V, VI and IX and more than twenty states, including Pennsylvania, West Virginia, Ohio, Texas, Louisiana, Illinois, Florida, South Carolina, New York, Kentucky, Alabama, and California.

Mr. Komoroski has been a partner with Kirkpatrick & Lockhart LLP since 1998, and was an associate from 1994-1998. From 1988-1994, he was an associate with Dickie, McCamey & Chilcote. He was a foreman, then supervisor at PPG Industries, Inc. in Lake Charles, LA from 1981-1985. From 1977-1981, Mr. Komoroski was an environmental engineer, then supervisor at PPG Industries, Inc. in Pittsburgh, PA. Mr. Komoroski is a former chairman of the Environmental Law Section of the Allegheny County Bar Association. He is a board member of the Pennsylvania Environmental Council. He is Chairman of the Legislative Committee on the Pennsylvania Environmental Council. Mr. Komoroski is also a Board Member of the Engineers' Society of Western Pennsylvania, and he was Organizer and Past Chair of the Industrial Site Recycling Conference.

Mr. Komoroski is admitted before the Third, Fourth, Sixth and DC Circuits. He is admitted to practice law in Pennsylvania, West Virginia, and the District of Columbia. Mr. Komoroski holds a Juris Doctorate Degree from the University of Pittsburgh, and he received a Bachelor of Science Degree in Environmental Engineering from Pennsylvania State University.

Denise K. Chamberlain

Denise K. Chamberlain is Deputy Secretary of Air, Recycling and Radiation for the Pennsylvania Department of Environmental Protection. Prior to joining the DEP, Denise was Associate Counsel & Vice President at Mellon Bank, N.A., where she practiced in the areas of environmental law, corporate lending and bankruptcy. Ms.



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Chamberlain drafted Mellon's environmental credit policy and was the lawyer responsible for the bank's Environmental Risk Program. Prior to joining Mellon Bank, she practiced law at Buchanan Ingersoll, P.C. and at Marion McDonough & Lucas, P.C.

Ms. Chamberlain was the principal technical advisor to the drafters of Pennsylvania's Economic Development Agency, Fiduciary and Lender Environmental Liability Protection Act (Act 3 of 1995), 35 P.S. d 6027.5 (1995). This law is part of the legislation that created the Pennsylvania Land Recycling Program. Act 3 of 1995 changes fiduciary and lender liability from strict, joint and several liability to a direct causation standard. Denise also advised Pennsylvania Governor Tom Ridge on formulating his strategies as Chairman of the Council of Great Lake Governors. During her tenure at Mellon Bank, Ms. Chamberlain was selected as 1 of 6 private sector professionals to assist in developing the Council's national and regional initiatives for brownfield redevelopment. Denise is chairman of the American Bar Association's Environmental Aspects of Lender Liability Committee. In 1994, she co-founded the Environmental Bankers Association, a national group of bank officers who are responsible for environmental risk programs throughout the country. For several years, Ms. Chamberlain chaired the Pennsylvania Bankers Environmental Task Force, and served on the American Bankers Association Environmental Task Force. Denise frequently lectures on the topics of environmental law and corporate bankruptcy at seminars for the American Bar Association, Banking Law Institute, Executive Enterprises, Inc., RTM Communications, Inc. Pennsylvania Bankers Association, Pennsylvania Bar Institute and the Pennsylvania Bar Association. She is a contributing author of the book, *A Lender's Guide To Environmental Law; Risk and Liability*, published by Matthew Bender Publications, Inc., and is on the Board of Advisors for *Lenders' Legal Alert*, a monthly legal publication.

In 1984, Ms. Chamberlain earned her Juris Doctorate Degree from the College of Law, West Virginia University, where she was Lead Articles Editor of the *Journal of College and University Law*. She received her Bachelor of Arts, cum laude, from Bethany College in 1978.

Maria Parisi Vickers

Maria Parisi Vickers joined the U.S. Environmental Protection Agency's Region III Office of Regional Counsel in 1989 where she worked in the Superfund/ RCRA Branch. After a detail as Executive Assistant to the Acting Regional Administrator, Ms. Parisi Vickers was selected as Director for the Office of RCRA Programs. She has held that position since 1993.

Ms. Parisi Vickers' environmental career follows a 17 year career as a federal court litigator with Pennsylvania's Office of Attorney General where she had the opportunity to present three cases before the U.S. Supreme Court. In her last position with Attorney General's Office, she served as Chief Deputy Attorney General and Director of the Eastern Regional Office.

Edwin B. Wilson

Mr. Wilson has been active in environmental site assessment, remediation and compliance activities for 14 years at Bethlehem Steel, where he is currently Director, Environmental Assessment and Remediation at the corporate office in Bethlehem, Pennsylvania. He manages remediation and compliance at shutdown operations, superfund sites and at locations where past practices have created environmental liabilities. Mr. Wilson, a mining and industrial engineer with prior experience with International Minerals and Chemicals and with West Virginia University, holds several patents and is widely published in several fields of endeavor, and is a registered professional engineer.

Abstract: The Bethlehem Steel Corporation's, Bethlehem Works, located in Bethlehem, PA, is a Model RCRA Corrective Action Program Brownfields Site. Bethlehem is transforming 1800 acres of an idle integrated steel mill into a productive, diverse site. One portion of the site, known as "Bethlehem Works," will include a Smithsonian-affiliated industrial museum, as well as commercial and retail establishments. Bethlehem formed a public-private partnership with PADEP and USEPA to ensure that remediation of the Bethlehem Works site occurred in an expedited fashion, while complying with PA's "Act 2" and EPA's RCRA.



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3E. Brownfields to Greenfields: Legal Tools for Greenfield Protection and Redevelopment

Level: 100
Date: Monday, December 06, 1999
Time: 1:00 - 2:30 PM
Location: San Antonio B

Purpose: Gain an introduction to the legal tools that can help turn your brownfields into greenfields or can protect your greenfields from development. Speakers will cover common tools like Purchase of Development Rights (PDRs) and land trusts, as well as state and local laws or policies that can aide you in this effort.

Speakers and Affiliation:

Kathy A. Blaha (Moderator) <i>Vice President</i>	Trust for Public Land Washington, DC
Annette M. Barbaccia <i>Director, Office of Environmental Coordination</i>	New York City Mayor New York, NY
Jennifer R. Fleming <i>Executive Director</i>	City of Pensacola Pensacola, FL
Joseph Ketas <i>Assistant Commissioner, Director</i>	Department of Environmental Protection Corona, NY
Julie K. Shackelford <i>Texas Field Director</i>	American Farmland Trust San Marcos, TX

Kathy A. Blaha

Kathleen Blaha is Vice President for National Programs for the Trust for Public Land (TPL) and Director of TPL's Green Cities Initiative, a systematic effort to strengthen urban and suburban park and open space programs around the country. In support of TPL staff in over thirty cities across the country, Ms. Blaha is managing fieldwork and research on park creation and financing, including restoration of brownfields for parks and greenspace. Last year she managed TPL's partnership with the Urban Land Institute to produce the book, *Urban Parks and Open Space*. She is now at work on a second book on cities and their park systems, *Inside City Parks*. She also supervised TPL's research for the recent report, *Building Green Infrastructure: Land Conservation as a Water Protection Strategy*. Ms. Blaha has worked with TPL for sixteen years on real estate transactions and conservation services, first in the southeast as Associate Regional Manager, then as Acting Regional Manager for the Midwest Office. She then relocated to Washington, D.C. in 1992 to work in national programs to develop a metropolitan parks initiative for TPL. Before coming to TPL, Ms. Blaha worked first as a land and water resource planner for the regional Council of Governments in Raleigh, North Carolina, and later helped to create the Triangle Land Conservancy, a private land trust in the Raleigh-Durham area of North Carolina.

Ms. Blaha has a Bachelor of Arts degree in Geography from Miami University in Oxford, Ohio (1979) and an M.R.P. in Regional Land Use Planning from the University of North Carolina at Chapel Hill (1981). She currently sits on the board of her local land trust, the Severn River Land Trust in Annapolis, Maryland.

Abstract: One way to preserve valuable landscapes while accomodating a growing population, providing for new public waterfront access and restoring habitat, is to redevelop brownfields as public parks and greenspace. Across the country many nonprofit organizations and public agencies have developed expertise in acquiring and managing interest for conserving cleaned brownfields land. The purchase of development rights, conservation easements, and public access issues in mixed-use developments will be discussed in the context of case studies and panel expertise. Rural and urban examples will be discussed showing the flexibility of legal tools to meet public interest goals. Information will also be drawn from, *Doing Deals: A Guide to Buying Land for Conservation*, a book by The Trust for Public Land, which provides background on the rights and interests involved in acquiring brownfields property, as well as management and financing options.



Track 3: Understanding Legal and Policy Issues

Annette M. Barbaccia

Biography / Abstract not available at time of printing.

Jennifer R. Fleming

Jennifer Fleming has been actively involved in the urban planning profession for 25 years. She currently serves as the City of Pensacola's Community Redevelopment Agency (CRA) Executive Director and oversees the redevelopment of a 1300 acre downtown district that includes the central business district, several historic neighborhoods and the downtown waterfront. Formerly she served in the dual capacity of City Planner and the Director of the CRA. Her past experience also includes the position of Executive Director for the Downtown Improvement Board (DIB) and several positions with the West Florida Regional Planning Council.

Ms. Fleming attended the University of Florida and graduated from the University of West Florida with a Bachelor of Arts in Environmental Science. She is a member of the American Institute of Certified Planners and is the past president of the Florida Redevelopment Association.

Joseph Ketas

Biography / Abstract not available at time of printing.

Julie K. Shackelford

Julie Shackelford is Texas Field Director of American Farmland Trust. Previously, she was with the Texas Parks and Wildlife Department where for five years she was responsible for developing and implementing the Texas Wetlands Conservation Plan. The statewide Plan, which focused on providing economic incentives to landowners for wetlands restoration on private lands, was developed in cooperation with representatives from government, agriculture, conservation and business interests around the state. As a result, Ms. Shackelford was the recipient of the 1998 National Wetlands Award, sponsored by the EPA, the Environmental Law Institute, the Natural Resources Conservation Service, the US Fish and Wildlife Service, and the National Marine Fisheries Service.

Ms. Shackelford holds a Bachelor's degree in biology from Carleton College in Northfield, Minnesota and a Master's degree in environmental management from Duke University's School of Forestry and Environmental Studies.

Abstract: Every year, America loses approximately one million acres of farmland to urban sprawl, which poses a serious threat to the quality of life in our communities. In addition to maintaining our nation's food source, farmland provides economic opportunity, environmental protection, infrastructure and wildlife habitat to our local communities. Techniques available at the federal, state and local level can be employed by communities and landowners to protect farms and ranches from development. Some of the techniques that will be discussed include conservation easements, cost of community services studies, agricultural districts and transfer/purchase of development rights.



Track 3: Understanding Legal and Policy Issues

3F. What's In It For Us: The Value of Mothballed Properties

Level: 300
Date: Wednesday, December 08, 1999
Time: 10:30 - 12:00 AM
Location: Dallas D-II

Purpose: Learn about why and how many companies practice "warehousing" of sites and how it can affect your community. Hear about the new Securities and Exchange Commission (SEC) regulations and learn if, and how, they will affect corporate practices.

Speakers and Affiliation:

Kevin D. Margolis, Esq. (Moderator)
Vice President

Hemisphere Corporation
Cleveland, OH

David J. Daddario
Senior Vice President

North American Realty Advisory Service
New York, NY

Mark Hargis
Partner, Environmental & Insurance Transactions

Arthur Anderson
Chicago, IL

Craig Kasper, P.E.
Vice President

Hull & Associates, Inc.
Dublin, OH

Karl F. Loucks II, J.D.
Consultant

Cambridge Galaher Settlements & Insurance Services
Chicago, IL

Kevin D. Margolis, Esq.

Kevin D. Margolis is Vice President of Hemisphere Corporation, a company that acquires and redevelops environmentally distressed real estate. Mr. Margolis also is a partner in Benesch, Friedlander, Coplan & Aronoff LLP, where he focuses his practice on environmental issues in real estate transactions. Mr. Margolis is an author of an extensive treatise on redeveloping brownfields sites nationally, entitled *Brownfields: A Comprehensive Guide to Redeveloping Contaminated Property* (American Bar Association 1997).

David J. Daddario

David J. Daddario is Senior Vice President at the Manhattan based firm of North American Realty Advisory Services. He has more than 25 years of experience in the planning, packaging, and marketing of environmentally impaired land and building assets. Since joining the firm in 1976, Mr. Daddario has directed more than 350 property revitalization programs nationwide.

He was an honors graduate of both Bachelor of Science and Master of Science degrees in Civil Engineering from New York University. In 1972, he received a full fellowship from the Environmental Protection Agency and subsequently, was awarded his Master degree from New York University's Environmental Center. Mr. Daddario is a licensed professional engineer for the state of New York.

Abstract: Motivating the Private Sector to Revitalize Sleeping Real Estate Assets
There is a tendency for corporate Potentially Responsible Parties (PRPs) to defer the recognition of environmental liabilities on formerly-owned sites. This is a tragedy for the community - putting valuable resources out-of-play - and depressing nearby property values. Ironically, many of these sites can be turned into valuable assets because there are new tools and methods to revitalize properties. This session will explain how communities can motivate corporations to find new uses for "sleeping" land and building assets.



Track 3: Understanding Legal and Policy Issues

Mark Hargis

Mark Hargis is a partner in the Strategy, Finance and Economics practice of Arthur Andersen. He is also the Partner-in-Charge of the Environmental and Insurance Transactions practice for Arthur Andersen.

Mr. Hargis has significant experience in developing, presenting and negotiating resolutions to large complex claims. Over the past two years, he and his team have resolved environmental insurance claims that have resulted in over \$1 billion of recoveries for his clients. Mr. Hargis has been instrumental in developing and successfully implementing a process to resolve asbestos, environmental, and human health insurance claims that significantly reduces the amount of time it takes to resolve the claims and mitigates litigation risks. This process is used for other insurance claims and environmental war claims. Mr. Hargis is also helping his clients monetize assets embedded in environmentally contaminated non-operating properties.

Mr. Hargis has worked in the Dallas, London and Chicago offices of Arthur Andersen. He is a CPA and graduated with a Bachelor of Business Administration degree in Accounting from Texas Christian University.

Craig Kasper, P.E.

Mr. Kasper is Vice President of Hull & Associates, Inc., an environmental consulting firm in Dublin, Ohio. As a Certified Professional under Ohio's Voluntary Action Program, Mr. Kasper has directed many key brownfield redevelopment projects, including the expansion of the Daimler-Chrysler Jeep Plant and the Stickney West Industrial Park in Toledo, Ohio. He also served on the steering committee that advised Ohio EPA in the development of Ohio's Voluntary Action Program.

Abstract: In 1997, Toledo, Ohio was suddenly faced with losing thousands of jobs and millions in tax revenues when it learned that Jeep, the city's largest employer, might leave. Today, the plant is under construction. The threat of Jeep leaving prompted one of the city's most aggressive efforts in years and put its brownfield redevelopment program on a fast track. This presentation will recap the progress and successes in redeveloping the Jeep property.

The existing Daimler-Chrysler Jeep property possessed much of the necessary infrastructure, such as adequate rail lines and access to major highways, and contained 400 acres of land and businesses. However, numerous issues would have to be addressed to make the site work, including upgrading the infrastructure, addressing environmental conditions, and relocating 13 businesses and 83 residential properties. One of the major challenges was the inherent liability issues of acquiring contaminated property.

To take advantage of "dual purpose" activities, remedial measures were integrated with the plant construction through the use of engineering and institutional controls. An area-wide Urban Setting Designation for ground water, pursuant to Ohio's Voluntary Action Program, was also obtained for the area. The presentation will focus on the approach and challenges in cleaning up and preparing the property for plant construction.

Karl F. Loucks II, J.D.

Biography / Abstract not available at time of printing.



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3G. Untangling the Web: Legal Issues Common to Proactive Brownfields Programs

Level: 200
Date: Tuesday, December 07, 1999
Time: 10:30 - 12:00 AM
Location: Dallas D-I

Purpose: Learn lessons from cities with proactive brownfields programs about how to take charge and turn your blighted neighborhoods around. Case study discussions will include tips on how to use local zoning laws, health regulations and eminent domain authority, as well as how to engage citizens in brownfields programs.

Speakers and Affiliation:

Lisa Dowden (Moderator)
Attorney

Spiegel & McDiarmid
Washington, DC

Michelle B. Alvarez, Esq.
Staff Attorney and Program Director

Alternatives for Community and Environment
Roxbury, MA

Laurent R. Hourclé
Co-Director of the Environmental Law Program

The George Washington University Law School
Washington, DC

Lawrence Schnapf
Brownfields Coordinator

Environmental Business Association of New York
New York, NY

Eugene E. Smary
Partner

Warner Norcross & Judd
Grand Rapids, MI

Lisa Dowden

Lisa G. Dowden is a partner in the Washington, D.C. law firm of Spiegel & McDiarmid. The firm represents some 400 cities, counties, states and public agencies in the environmental, energy, communications and airport fields. Ms. Dowden practices in the public utility and environmental fields. In the public utility area, she has extensive litigation experience on transmission access and rate issues before the Federal Energy Regulatory Commission. She represents a number of municipal clients currently in the midst of restructuring on issues such as continued transmission access, stranded costs and transition to new market structures. In the environmental arena, she provides EPA representation and environmental compliance counseling to numerous municipal utility clients. She co-authored the American Public Power Association's Environmental Compliance Manual for Electric Utilities, a compliance guide for municipally-owned electric utilities and is also the co-author of the Municipal Environmental Compliance Manual (CRC Press, 1996).

Ms. Dowden is a 1986 graduate of the Harvard Law School and a 1983 graduate of Washington University in St. Louis. She currently serves as a chair of the Special Committee on Solid Waste of the American Bar Association's Section on Environment, Energy and Resources (SEER) and as Chair of the International Municipal Lawyer Association's (IMLA) Health and Environment Committee.

Michelle B. Alvarez, Esq.

Michelle Alvarez is a Staff Attorney and Program Director with Alternatives for Community & Environment, Inc. (ACE), an environmental justice law and education center headquartered in Roxbury, Massachusetts. Ms. Alvarez provides legal representation to low-income community organizations on a host of environmental issues ranging from the siting of solid waste facilities to the redevelopment of brownfields. As Director of the Massachusetts Justice Network, a program of ACE, Ms. Alvarez coordinates a statewide clearinghouse that partners multi-disciplinary professionals with communities facing environmental and public health hazards.

Abstract: How can communities involve public health officials in the pursuit of sustainable brownfields redevelopment? Can community groups form alliances with public health agencies that encourage public health officials to play a more active role in the infrastructure decisions that will shape the community's economic and environmental future? A significant portion of ACE's current brownfields agenda pushes public health officials to support



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community brownfields revitalization efforts by viewing brownfields in the context of healthy community development.

Case Study I: In Roxbury, a low-income neighborhood of Boston, many vacant lots have been filled in with unwelcome uses like trash transfer stations, dumpster storage lots and junkyards. In the summer of 1998, after years of health code violations and residents' complaints, ranging from odor and wind-blown litter to rodent infestation and hazardous waste releases, the Boston Public Health Commission began considering rules to govern the siting and operations of dumpster storage lots and junkyards. To ensure that the new regulations would provide adequate protection, the Dudley Street Neighborhood Initiative (DNSI), the Bowdoin Street Health Center (BSHC), and ACE launched a comprehensive campaign that included setting forth compelling testimony at public hearings and meticulously reviewing the proposed language. In December 1998, after months of community input, the Commission approved the final regulation, including provisions regarding cumulative effects and mandatory public hearings for proposed facilities and repeat offenders. Thus, by responding to community concerns and promulgating regulations where before there had been none, the Boston Public Health Commission has established a regulatory scheme that will ultimately reduce the number of noxious facilities in neighborhoods overburdened by environmental threats.

Case Study II: While solid waste facilities pose obvious public health threats, office buildings often do not. Yet even the relocation of the Massachusetts Department of Public Health (DPH) to the heavily contaminated former Modern Electroplating facility in Roxbury, Massachusetts can bring negative consequences if the new offices attract new traffic and parking in an area where the roads and air are already congested. The DPH's move, along with its 1100 employees and a proposed 500 space parking garage, provides an opportunity for the state public health agency and the community to develop and implement strategies for redevelopment that improves, rather than sets back, air quality and public health. Thus far, ACE has successfully encouraged DPH to include language in its contract with the Boston Redevelopment Authority that enables the public health agency to ask the city to conduct a traffic impact study for all proposed developments in the area. Residents and community groups are concerned with more issues than this one parking garage: with new developments proposed for this economically "hot" area, they want to know what the cumulative impacts of all development proposals will be. They want the DPH, the city, and state, to think about alternatives that will reduce the impact of the automobile on the air quality and traffic, both of which are already substandard.

Laurent R. Hourclé

Laurent R. Hourclé, Colonel, USAF (Ret.), is an associate professor of environmental law at The George Washington University Law School, Co-Director of the Environmental Law Program and Acting Director of the University-wide Institute for the Environment. Until August 1992 when he joined the faculty, he was counsel in the Office of General Counsel, Department of Defense for matters involving environmental law, land use, base closure, economic adjustment programs, and occupational safety and health. From 1986-1989 he served as the first chief of the U.S. Air Force Judge Advocate General's Environmental Law Division.

Mr. Hourclé has a Bachelor Degree in Science in Journalism from Boston University (1968); a Juris Doctor from Duke University School of Law (1971); a Master of Arts Degree in Business from Central Michigan University (1980); and a Master of Laws Degree from the National Law Center, George Washington University in Environmental Law (1982).

Abstract: The DC Brownfields Initiative is a comprehensive program to support revitalization in the city's older neighborhoods, many of which affect the Anacostia River. A centerpiece of the initiative is the District of Columbia Brownfield Revitalization Act announced by Mayor Tony Williams on November 4, 1999. Preparation of the Act was a joint effort of the City's Environmental Health Agency (a component of the Health Department), The Environmental Law Institute and The George Washington University Law School. The act was developed after a review of best practices of brownfields programs around the nation that were then adapted to the unique circumstance of the District which functions both as a state and a city.

Lawrence Schnapf

Lawrence P. Schnapf is an environmental attorney based in New York City. He has over 15 years of national environmental experience with Fortune 500 corporations and a number of major New York-based law firms. He is also an adjunct professor of environmental law at New York Law School where he teaches "Environmental Issues in Business Transactions."



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Mr. Schnapf primarily concentrates on environmental issues associated with corporate acquisitions, commercial lending and financing, real estate transactions and bankruptcy matters as well as preparing environmental disclosures for SEC and private placement offerings. He has counseled corporate and industrial clients on compliance with the regulatory requirements of federal and state environmental laws such as RCRA, CWA, CAA and their state counterparts, and has assisted clients in developing corporate environmental compliance procedures. He has also represented clients in federal and state environmental litigation, enforcement matters, administrative proceedings and CERCLA private cost recovery actions. He was involved in an important lender liability case in Connecticut and was involved in two recent successful successor liability cases.

Mr. Schnapf has also written numerous articles on environmental law, has served as a contributing editor to the "New York Environmental Law Series" published by Lawyers Cooperative Publishing and has written a chapter on financing brownfield redevelopment for "Brownfield Practice and Law: The Cleanup and Redevelopment of Contaminated Properties" published by Matthew Bender. He was also a contributing author for "The Law Of Environmental Justice" published by the American Bar Association, and the author of "Environmental Liability: Managing Risk in Real Estate/Corporate Transactions and Brownfield Redevelopment" published by Lexis Law Publishing, which is considered one of the leading treatises on environmental law. He also publishes a bi-monthly on-line environmental newsletter "The Schnapf Environmental Report."

Larry Schnapf is the co-chair of the New York State Bar Association's Hazardous Site Remediation Committee and also chairs the Brownfield Task Force which has been issuing reports analyzing trends and developments in the New York Voluntary Cleanup Program. He is also the brownfield coordinator for the Environmental Business Association of New York and served as a member of the ASTM Task Group on Access and Land Use Controls.

Eugene E. Smary

Eugene E. Smary is a partner with the law firm of Warner Norcross & Judd LLP in Grand Rapids, Michigan, and an Adjunct Associate Professor of Law at the University of Notre Dame Law School. He practices environmental law exclusively and represents a wide variety of industrial, municipal and trade association clients on environmental matters, with particular emphasis on site remediation and associated claims, environmental due diligence, and legislative matters. He was heavily involved in the development and passage of Michigan's Brownfields statute, known as Part 201 of Michigan's Natural Resources and Environmental Protection Act, and currently serves as a municipal representative on the Michigan Department of Environmental Quality's Part 201 Advisory Group, which advises the Department on the statute's implementation. He also is a member of Michigan's Environmental Justice Task Force, where he serves as co-chair of its Disparate Impact Subgroup.

He has written and lectured extensively on environmental topics to a wide variety of professional and civic organizations in the United States and Canada. He is co-editor of Michigan Environmental Law Deskbook, published by Michigan's Institute of Continuing Legal Education, and has co-authored a series of articles and chapters dealing with brownfields. He is currently the Education Officer and a member of the Executive Committee of the American Bar Association's Section of Environment, Energy and Resources, after having served as a member of the council, as well as chair and vice chair of several committees. He is the past chair of the Environmental Law Section of the State Bar of Michigan and served on its governing council from 1983 until 1996, and is past chair of the Environmental Law Section of the Grand Rapids Bar Association.

He earned his Juris Doctor Degree in Law in 1975 from the University of Notre Dame, his Master of Arts Degree in 1969 from the University of Notre Dame, and his Bachelor of Arts Degree in 1967 from Aquinas College. Following graduation from law school, he served as law clerk for Judge John A. Danaher of the United States Court of Appeals for the District of Columbia Circuit. He is admitted to the bars of the State of Michigan, the United States District Courts for the Western and Eastern Districts of Michigan, and the United States Courts of Appeal for the Sixth and District of Columbia Circuits.



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3H. Steering Clear of Trouble: Protecting the Innocent Landowner

Level: 200
Date: Tuesday, December 07, 1999
Time: 4:00 - 5:30 PM
Location: Houston A

Purpose: Do you own land contaminated by others? Learn which programs are available to protect landowners affected by contamination they did not cause. Hear realtors and lenders discuss how they view such property in light of federal and state policy protections.

Speakers and Affiliation:

The Honorable Lois J. Schiffer (Moderator)
Assistant Attorney General

U.S. Department of Justice
Washington, DC

Deborah McAbee
Senior Assistant City Attorney - Division Director

City of Houston Legal Department, Land Use Division
Houston, TX

Ken Ramirez
Partner

Bracewell & Patterson
Austin, TX

John M. Scagnelli
Partner

Whitman Breed Abbott & Morgan LLP
Neward, NJ

Charles W. Shipley
President

Shipley, Jennings & Champlin, P.C.
Tulsa, OK

Jonathan Weisberg
Assistant Regional Counsel

U.S. Environmental Protection Agency (Region 6)
Dallas, TX

The Honorable Lois J. Schiffer

Biography / Abstract not available at time of printing.

Deborah McAbee

Biography / Abstract not available at time of printing.

Ken Ramirez

Before joining Bracewell & Patterson, Mr. Ramirez served as Deputy Executive Director of the Texas Natural Resource Conservation Commission, the agency with primary environmental jurisdiction in Texas. From 1991 through 1992, Mr. Ramirez was Deputy for Waste Management, the group that included all four waste management programs: hazardous waste, petroleum storage tanks, superfund and municipal solid waste. From 1992 through March of 1995, Mr. Ramirez was Deputy for Legal Services, which included the Agency's entire enforcement program (air, water and waste), the Legal Services Division and the Field Operations Division.

Prior to his position at the TNRCC, Mr. Ramirez maintained a private law practice specializing in environmental law. He has served as a staff attorney for the Texas Water Commission (TWC), where he was the primary author of the State's superfund policy. He began his career as a staff attorney with the Environmental Protection Agency (EPA) regional office in San Francisco.

Mr. Ramirez is an Adjunct Professor of Law at the University of Texas School of Law, where he teaches environmental law. He is a frequent speaker on environmental law and policy, as well as the author of two articles in the State Bar Environmental Law Journal.



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John M. Scagnelli

Biography / Abstract not available at time of printing.

Charles W. Shipley

Charles W. Shipley is a shareholder of the Tulsa law firm of Shipley, Jennings & Champlin, P.C. Mr. Shipley worked as an environmental lawyer for the Corps of Engineers and as an environmental trial lawyer for the United States Department of Justice in Washington, D.C. He has been in private practice in Oklahoma since 1977, and has 28 years of experience in virtually every facet of environmental law, ranging from hazardous waste litigation and regulation to air pollution and wetland litigation. His practice also includes environmental permitting and Native American environmental law. Mr. Shipley was selected by the United States District Court for the Northern District of Oklahoma to act as Settlement Coordinator with regard to the Sand Springs Petrochemical Complex Superfund site.

Mr. Shipley is Executive Editor of the Oklahoma Bar Association's Environmental Law Handbook. He co-chaired the 1995, 1996, 1997 and 1999 EPA/SONREEL "Environmental Issues in Region VI" conferences. Mr. Shipley is a Master with the American Inns of Court and has served on the Oklahoma Governor's Council on Environmental Quality.

Mr. Shipley is a member of the Tulsa County Bar Association, the Oklahoma Bar Association, the Virginia State Bar, the District of Columbia Bar Association, and the American Bar Association. He has been admitted to practice before the United States Supreme Court and the United States Court of Appeals for the First, Fifth, Sixth, Ninth, and Tenth Circuits. He received an Industrial Engineering degree in 1966 from Oklahoma State University. Mr. Shipley also received his Juris Doctor with honors in 1971 and a LL.M. Environmental degree in 1972 from George Washington University Law School.

Jonathan Weisberg

Jonathan Weisberg is a senior attorney in the Superfund Branch of the Office of Regional Counsel of EPA Region 6. He has served as the legal advisor to the Region 6 Brownfields Program since 1995. Prior to joining the EPA in 1993, he served as in-house counsel for Centex Real Estate Corporation, a national homebuilder based in Dallas, Texas, as an associate with the Dallas law firm of Stutzman & Bromberg, and as an attorney-advisor for the U.S. Department of Housing and Urban Development in Washington, D.C. He is a member of the State Bars of Texas and Pennsylvania. He received a Juris Doctor from Washington University School of Law in St. Louis, Missouri in 1987, a Master of Arts from the University of Texas at Dallas in 1984, and a Bachelor of Arts from the University of Texas at Austin in 1982.



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3I. 'Stakeholder - Shmakeholder': Strategies for Successful Brownfields Collaboration

Level: 200
Date: Tuesday, December 07, 1999
Time: 8:45 - 10:15 AM
Location: Austin 2

Purpose: Brownfields projects and programs require the early involvement of a wide array of public/private stakeholders (i.e., developers, property owners, regulators, planners, bankers, community groups, public health officials, local governments, etc.) who often have competing interests and ideas about clean up and reuse. Although many brownfields programs have successfully used various models of multi-party, collaborative decision making, some stakeholders have raised concerns about the time and resources necessary to meaningfully participate. Through three case studies, this panel will explore the challenges and opportunities of using mediation and facilitation to help communities build consensus on brownfields. They will address such questions as:

- What are the different types of collaborative processes?
- When is it appropriate to seek the help of a neutral facilitator?
- What can a neutral facilitator do by convening the stakeholders or designing the collaborative process?
- How can a brownfields program enhance its efforts to engage the community and ensure adequate stakeholder participation?
- What strategies have been successfully used to manage the proverbial "difficult" stakeholder?
- How can a community prioritize hundreds of brownfields sites? Which ones should it work on first?
- What is the decision-making standard? Why is consensus such a critical component?
- What resources are available to help brownfields programs design and manage collaborative processes?
- What has been the experience of the private sector with collaborative processes in the context of brownfields?
- What about the community's perspective and experience with brownfields mediation and facilitation?
- Why should they have a seat at the consensus building table?
- Where does local government fit? What is their role?

Susan Podziba, from Susan Podziba & Associates will share her insights and experience as the facilitator for EPA's Brownfields ADR Pilot at New Bedford, Mass. Alan Strasser, Esq., from the Mediation Institute, will highlight his work at the Pine Street Superfund/Brownfields site in Burlington, VT. Chris Larossa, Brownfields Project Manager for the City of Shenandoah, VA, will provide the perspective of local govt. and how their small town is taking advantage of facilitation assistance. After the presentation, the panelists will engage the audience in an open dialogue about audience's concerns and experiences with collaborative processes in brownfields redevelopment.

Speakers and Affiliation:

Joseph M. Schilling (Moderator)
Director of Economic Development

International City/County Management Association
Washington, DC

Christopher M. LaRosa
Director of Economic Development

Town of Shenandoah
Shenandoah, VA

Susan L. Podziba
Mediator

Massachusetts Institute of Technology
Brookline, MA

Alan W. Strasser
Mediator

The Mediation Institute
Washington, DC

Joseph M. Schilling

Mr. Schilling manages ICMA's economic development research projects that target the role of local governments in the cleanup and reuse of brownfields, Superfund sites, former military bases, and abandoned properties. He is a public policy facilitator with a Master of Environmental Law degree from George Washington University (GWU) and a Juris Doctor from Hastings College of the Law in San Francisco. Mr. Schilling currently teaches Land Use Law & Policy at the University of Virginia and State and Local Government Law at GWU. He recently



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completed a series of four international brownfields case studies for the U.S. EPA and is coordinating a two-year project that will evaluate the 16 EPA Brownfields Showcase Communities.

Prior to relocating to Washington, D.C., Mr. Schilling served over ten years as Deputy City Attorney for the City of San Diego in its land-use and environmental enforcement unit. While with the City, he helped create the Center for Municipal Dispute Resolution that provided mediation and public policy facilitation services for local governments. As Program Director for the Center, Mr. Schilling trained city officials, planners, attorneys, and law students in mediation skills, designed dispute resolution and public participation programs, and also facilitated working group meetings, public workshops, and community task forces.

Christopher M. LaRosa

Christopher M. LaRosa served as the Brownfields Pilot Director and Director of Economic Development for the Town of Shenandoah in Page County, Virginia for over a year. He is currently a Community Planner with the Virginia Department of Housing and Community Development and specializes in Brownfield and Superfund clean up and redevelopment.

Chris LaRosa holds a Bachelor of Arts Degree in Political Science from Allegheny College in Pennsylvania and a Master of Public Administration from James Madison University.

Susan L. Podziba

Susan L. Podziba specializes in public sector mediation and consensus building and is known for designing processes to fit the unique characteristics of given conflicts. In addition to being a Principal and Mediator at Susan Podziba & Associates, she is a Visiting Lecturer at the Massachusetts Institute of Technology's Department of Urban Studies and Planning and a Faculty Associate of the Program On Negotiation at Harvard Law School.

Ms. Podziba is a facilitator for the New Bedford, Massachusetts Brownfields Pilot and has facilitated the brownfields workgroup of the Iron and Steel Subcommittee of U.S. EPA's Common Sense Initiative and an EPA-sponsored brownfields consensus building workshop for the Naugatuck Valley Brownfields Project (CT). Examples of her past projects include the design and implementation of consensus processes to develop a city charter for Chelsea, MA, which was under state receivership; an environmental management plan for Casco Bay, Maine under the U.S. Environmental Protection Agency's National Estuary Program; a plan to reduce the incidental takings of marine mammals as required under the Marine Mammal Protection Act and administered by the National Oceanographic and Atmospheric Administration.

Ms. Podziba is a former Public Disputes Mediator at Endispute, Inc., a former Associate of the Public Disputes Project of the Program On Negotiation at Harvard Law School, and a past president of the New England Society of Professionals in Dispute Resolution. She holds a Master's in Urban Planning from the Massachusetts Institute of Technology and a Bachelor of Arts from the University of Pennsylvania.

Alan W. Strasser

Alan W. Strasser, Esq., is a mediator at The Mediation Institute (TMI), a full service dispute resolution firm founded in 1975 and based in Los Angeles and Washington, D.C. He specializes in the actual resolution of complex environmental policy and site-specific matters. Mr. Strasser, who has authored several articles on environmental dispute resolution, helped mediate the resolution to the cleanup and redevelopment of the Pine Street NPL site in Burlington, Vermont using a unique, consensus-based process that employed extensive community involvement. In addition, he has been involved in all phases of mediating complex policy disputes for state and federal agencies including DOT, DOE, and U.S. Forest Service. Mr. Strasser is a former Harlem, New York school teacher who has held environmental positions with NGOs and in the public and private sectors. He is leading TMI's Brownfields Resolution Consortium, a public-private partnership including corporate, government, NGO, and environmental policy representatives aimed at enhancing decision making processes at brownfields nationwide through the use of collaboration and mediation. Mr. Strasser received his Juris Doctor and Master of Arts in Environmental Law, Magna Cum Laude, from Vermont Law School.



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3J. Avoiding Land Mines: Making Institutional Controls Work

Level: 200
Date: Tuesday, December 07, 1999
Time: 10:30 - 12:00 AM
Location: Dallas A-I

Purpose: Institutional controls (i.e., deed restrictions, overlay zones, etc.) are often an integral part of the remedial response at brownfields sites. This panel will discuss ways that such controls can be developed without limiting a community's planning flexibility, and will propose concrete steps for ensuring the integrity of institutional controls in the long run.

Speakers and Affiliation:

Lenny Siegel (Moderator) <i>Executive Director</i>	Center for Public Environmental Oversight Mountain View, CA
Amy L. Edwards, Esq. <i>Partner</i>	Holland & Knight LLP Washington, DC
Donald Gardner <i>Division Manager of Development Services</i>	City of Portland, Office of Transportation Portland, OR
John A. Pendergrass <i>Senior Attorney</i>	Environmental Law Institute Washington, DC
Terri Smith <i>Legislative Analyst</i>	New Jersey Department of Environmental Protection Trenton, NJ

Lenny Siegel

Since 1994, Lenny Siegel has been Director of the Center for Public Environmental Oversight (formerly CAREER/PRO), a project of San Francisco State University's San Francisco Urban Institute. He has been director of the Pacific Studies Center located in Mountain View, since 1970. He is one of the environmental movement's leading experts on military base contamination, and he has worked as a consultant for a wide range of organizations. He is, or recently has been, a member of several government and private advisory committees, including the ASTM/ISR Steering Committee on Brownfields Restoration, the National Research Council Committee on Environmental Remediation at Naval Facilities, the Defense Science Board Task Force on Unexploded Ordnance, the Federal Facilities Environment Restoration Dialogue Committee, the National Dialogue on Military Munitions, the Range Rule Risk Methodology Partnering Team, the Subcommittee on Waste and Facility Siting of the National Environmental Justice Advisory Council, Cal-EPA's Superfund Working Group and Site Mitigation Update Task Force, the Peer Review Panel for the VOC Historical Case Initiative, and the Moffett Field (former Moffett Naval Air Station) Restoration Advisory Board.

Mr. Siegel edits the "Citizens Report on the Military and the Environment" and the "Citizens Report on Brownfields," and his organization runs Internet forums on both military environmental issues and brownfields.

Amy L. Edwards, Esq.

Amy L. Edwards is a partner in the Real Estate, Environmental and Land Use Department of Holland & Knight, where she heads the firm's Brownfields Initiative. Ms. Edwards has been practicing environmental and energy law for more than twenty years. She has counseled developers, lenders and corporations about the environmental aspects of real estate transfers and corporate transactions, conducted compliance audits and environmental management system audits for clients, and represented companies in enforcement proceedings. She is a member of the ASTM E-50 Committee and the U.S. TAG to ISO 14,000. She chairs the ASTM Task Group on Activity and Use Limitations and serves on the ASTM Compliance Auditing, Environmental Site Assessment, and Risk Based Corrective Action (RBCA II) Task Forces.



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Ms. Edwards has represented real estate developers and financial institutions on environmental issues associated with real estate, including environmental site assessments, environmental indemnification agreements, cleanup requirements (including risk-based corrective action goals), environmental insurance, and cost recovery issues. She has represented numerous companies on steering committees for various Superfund sites and counseled developers regarding environmental issues associated with base closings under the Base Realignment and Closure Act. She was the lead counsel for a real estate developer in litigation against the Department of the Army concerning damages resulting from burial of chemical and highly explosive munitions on privately-owned land in Washington, D.C. This case resulted in a multi-million dollar settlement in favor of her client. She has participated in negotiations concerning cleanup of a former chromium manufacturing facility in Baltimore under the RCRA Corrective Action program, represented property owners in negotiations and litigation with major oil companies concerning petroleum-contaminated property, advised clients about asbestos and lead-based paint issues in residential and commercial real estate, and served as special environmental counsel to a trade association.

Ms. Edwards received her Juris Doctor from the George Washington University Law School, and her Bachelor of Arts from Smith College. She is a member of the District of Columbia, Maryland, Virginia, and American Bar Associations.

Abstract: Amy Edwards chairs the ASTM Task Group on Activity and Use Limitations. She will discuss the draft guidance document that is being developed by ASTM to facilitate the use of institutional controls at brownfields and other sites. The guidance document, which is expected to be finalized in the spring of 2000, discusses the four types of institutional controls (proprietary controls; local government controls; contractual instruments; and notice mechanisms) that are available; the relationship between risk-based remediation principles and institutional controls; and the types of transactional and reliability issues that arise in the context of designing, implementing and enforcing institutional controls. Finally, Ms. Edwards will emphasize the importance of evaluating the feasibility of implementing institutional controls early in the brownfields process and identifying who will assume long term "stewardship" over the controls once they have been implemented.

Donald Gardner

Mr. Gardner is the Development Services Manager for the Portland Office of Transportation. The Portland Office of Transportation is a leader in the Smart Growth effort and was one of the first public works agencies to actively promote brownfields redevelopment as a key component of a Smart Growth strategy. Among his other responsibilities, Mr. Gardner oversees the Office of Transportation's Environmental Program which has received numerous EPA Brownfield grants and most recently was successful in having Portland designated as a Brownfields Showcase Community.

Abstract: The Portland Office of Transportation has been a leader in Smart Growth and inner city brownfield redevelopment. A key issue in the debate about institutional controls is how to develop and implement effective control measures on land that is, or is slated to become, public right of way. Public works officials have operational issues with the use of institutional controls on public rights-of-way yet the regulatory agencies and development community are increasingly seeking to use institutional controls as an alternative to expensive clean up strategies. The presentation will address the operational concerns of infrastructure agencies and present information on strategies Portland is developing which may make some types of institutional controls a viable option for public rights-of-way and easements.

John A. Pendergrass

John Pendergrass has been a senior attorney at the Environmental Law Institute since 1988. He is also Director of ELI's Center for State, Local, and Regional Environmental Programs, which assists state and local governments in improving their environmental programs. His research and writing has covered a variety of topics, including property law and the public trust doctrine, land use, Superfund, state hazardous substance cleanup programs, brownfields, institutional controls, state environmental programs, environmental federalism, pollution prevention, biodiversity protection, enforcement, environmental management systems, and market-based environmental programs. He has spoken on environmental law in Portugal, Brazil, Costa Rica, and throughout the United States. He is often asked to speak on issues of Superfund, brownfields, state cleanup programs and institutional controls, including at the 1989 United Methodist General Board of Church and State workshop for community organizers in Baton Rouge, the ALI-ABA ELI Hazardous Wastes, Superfund, and Toxic Substances course of study (97 and 99) and Brownfields '96, '97, and '99. He has also testified before U.S. House of Representatives subcommittees on the effectiveness of Superfund and on state cleanup efforts. His article, "Sustainable Redevelopment of Brownfields: Using Institutional Controls to Protect Public Health," was published in the May issue of the Environmental Law Reporter.



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Before joining ELI, Mr. Pendergrass was a Visiting Assistant Professor at the Illinois Institute of Technology, Chicago-Kent College of Law (1986-88), in private practice in Madison, WI (1984-86), and an attorney in the Solicitor's Office of the Department of the Interior (1979-84). Mr. Pendergrass graduated from Case Western Reserve University School of Law (1979) and Michigan State University (B.S., Environmental Science, 1976).

Terri Smith

Terri Smith has worked at the New Jersey Department of Environmental Protection for over 14 years. She has spent 11 years in the Site Remediation Program and 3 years in the Solid and Hazardous Waste Program. Ms. Smith initially worked in the Environmental Cleanup Responsibility Act Program.

Most recently she has taken on the responsibility of assisting Assistant Commissioner Gimello with the coordination of the Department's brownfield program. In addition, she is a member of the Brownfield Team working group coordinated by the Office of State Planning, as well as the Department representative that works with the Commerce Commission and the Department of Treasury on implementing the brownfield provisions for the redevelopment agreements. She has additional responsibilities that include reviewing and commenting on all legislative initiatives that may impact the site remediation program. While working in the Solid and Hazardous Waste Program, she assisted in the development and adoption of the Solid Waste and Recycling rules adopted in May of 1996.

Abstract: Ms. Smith will discuss the State of New Jersey's implementation of engineering and institutional controls and the mechanisms in place to ensure they remain protective of human health and the environment.



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3K. Insuring The Cleanup: A Look at Old Policies and New Products

Level: 200
Date: Tuesday, December 07, 1999
Time: 2:15 - 3:45 PM
Location: Austin 2

Purpose: While considering the multitude of new insurance products for brownfields projects, it's easy to overlook the benefit of cashing in on existing general liability policies. Learn how both old general liability coverage and new environmental policies can be used to cleanup and redevelop brownfields.

Speakers and Affiliation:

Seth Kirshenberg (Moderator)
Attorney

Kutak Rock Attorneys
Washington, DC

Matthew Cockrell, Esq.
Attorney

Zevnik Horton Guibord McGovern
Chicago, IL

Adrianne M. Cronas
Vice President, Environmental Practice Manager

Willis
New York, NY

Mark Perkins
President

Neace Lukens Environmental
Columbus, OH

Seth Kirshenberg

Biography / Abstract not available at time of printing.

Matthew Cockrell, Esq.

Of Counsel in the firm's Chicago office, Mr. Cockrell pursues a general litigation practice at Zevnik, Horton, Guibord, McGovern, Palmer & Fognani. The focus of his practice is on insurance coverage, employment litigation, environmental and toxic tort law. Previously, Mr. Cockrell was a senior litigation counselor at Waste Management, Inc., where he was responsible for its environmental insurance coverage litigation. Mr. Cockrell was also a partner at Rivkin, Radler & Kremer in Chicago and a law clerk to the Honorable Donald J. O'Brien, Presiding Judge of the Chancery Division, Circuit Court of Cook County, Illinois.

Matthew W. Cockrell holds a Bachelor of Arts Degree from the University of Notre Dame and a Juris Doctor Degree from Washington University. He is a member of the Moot Court. Mr. Cockrell was admitted to the bar of Illinois in 1979.

Adrianne M. Cronas

Adrianne M. Cronas is a specialist in the field of environmental insurance and is well versed in all types of environmental coverages. As Environmental Practice Manager for Willis Coroon's New York Tri-State Region, Adrianne Cronas works with account executives and clients to design and implement environmental products and risk management programs. She began her insurance career as an underwriter for USF&G Insurance Company. She worked at Minet Inc. for almost nine years, beginning as a Regional Manager for property and casualty accounts, specializing in large casualty programs. Her responsibilities included the production and marketing of large lines including General Liability, Directors & Officers Liability and Umbrella Liability. In 1990, Ms. Cronas began specializing in environmental risk, and attended courses given by the EPA and the Practicing Law Institute, later advancing to the position of Vice President of the Specialty Lines Department. Ms. Cronas has gained multifaceted insurance experience during the course of her career. She managed the environmental product line for another major broker for four years. She developed new environmental products working with large insurance markets.



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Ms. Cronas has negotiated complex manuscripted programs working with large insurance markets. She has conducted seminars for CPCU, the American Bar Association and several trade industry groups. In addition, she reviewed “disaster drills” and presented a comprehensive risk management critique of the Port of Elizabeth.

Mark Perkins

Mark Perkins has been specializing in environmental insurance and risk management for the past twelve years. He is currently a Senior Account Executive with Neace Lukens, a risk management consulting and insurance brokerage firm. Mr. Perkins works with a broad spectrum of clients facing environmental risks including brownfields, mergers and acquisitions, commercial/industrial facilities, military base closure/reuse, Superfund sites and environmental service providers.

Prior to joining Neace Lukens, Mr. Perkins was Vice President of a Managing General Agency specializing in environmental insurance for contractors, consultants, transporters and property-oriented risks. These experiences include the development of new insurance policy forms, establishing underwriting guidelines and marketing the programs through a network of more than 2000 agents and brokers nationwide.

A 1981 cum laude graduate of the University of Toledo, Mr. Perkins received a B.B.A. degree with a dual major in Marketing and Management and was made a member of Beta Gamma Sigma, a national business honor society. He earned the Insurance Institute of America’s Chartered Property Casualty Underwriter (CPCU) designation in 1991.



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3L. Breaking Down the Barriers: State and Federal Programs

Level: 200
Date: Tuesday, December 07, 1999
Time: 4:00-5:30 PM
Location: Austin 2

Purpose: There is a virtual alphabet soup of state and federal programs available to help get brownfields back into productive re-use. Where to begin and how to access these resources are the focal points of this discussion. Learn from state and local officials, and private practitioners, how to make these programs work for you.

Speakers and Affiliation:

Todd S. Davis, Esq. (Moderator)
President

Hemisphere Corporation
Cleveland, OH

Mark Briggs
President

Mark Briggs and Associates, Inc.
Santa Anna, CA

Leah Healey, Esq.
Partner

Maraziti, Falcon & Healey
Short Hills, NJ

Rita Kottke, Ph.D.
Brownfields Coordinator

Oklahoma Department of Environmental Quality
Oklahoma City, OK

Elliott P. Laws
Executive Director

Outlook Policy Forum, Inc.
Alexandria, VA

The Honorable Michael R. Turner
Mayor

City of Dayton
Dayton, OH

Todd S. Davis, Esq.

Todd S. Davis is President of Hemisphere Corporation, a company that acquires and redevelops environmentally distressed real estate. Mr. Davis is also a partner in Benesch, Friedlander, Coplan & Aronoff LLP and is the Co-Chairman of the firm's Environmental Practice Group. Mr. Davis is an author of an extensive treatise on redeveloping brownfields sites nationally, entitled, "Brownfields: A Comprehensive Guide to Redeveloping Contaminated Property" (American Bar Association 1997). He is also Vice Chairman of the American Bar Association's Brownfields Task Force.

Mark Briggs

Biography / Abstract not available at time of printing.

Leah Healey, Esq.

Leah Healey is a partner in the environmental and redevelopment law firm of Maraziti, Falcon & Healey located in Short Hills, New Jersey. Ms. Healey represents both public and private entities in transactions involving contaminated properties. This year, Ms. Healey's firm obtained the first agreement under New Jersey's new Brownfield Act which provides for the state to reimburse her client \$1.2 million dollars in cleanup costs incurred in redeveloping a contaminated site in Edison, New Jersey.

Ms. Healey was recently appointed by New Jersey's Governor Whitman to serve on the State Brownfields Redevelopment Task Force to advise the Governor on redevelopment issues. She serves as special counsel to the City of Trenton on Brownfields issues and is also a member of the City of Perth Amboy's Brownfields Advisory Committee.



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Abstract: New Jersey has put its money where its mouth is and is seeing excellent returns on its investment. Since 1993, the State has provided millions of dollars in grants and low interest loans to public and private entities to investigate and remediate brownfield sites. In 1998, New Jersey decided to continue to invest in brownfields redevelopment by adopting an innovative program to reimburse brownfields developers 75% of their cleanup costs by the state forgoing a portion of the future state tax revenues expected from the development. The new program is being efficiently and cooperatively administered by the state's Commerce Commission, Department of Treasury and Department of Environmental Protection. The synergy generated by this collaborative effort has already generated new ideas within these departments. This program combined with new liability protection for purchasers of contaminated property has made New Jersey a very attractive place for brownfields redevelopment. Learn about these and other New Jersey programs that can be duplicated in other states.

Rita Kottke, Ph.D.

Rita R. Kottke, Ph.D., is a Senior Environmental Specialist in the Waste Management Division of the Oklahoma Department of Environmental Quality. She is the Brownfield Coordinator for the DEQ and functions as a liaison between the state and EPA. She is the state Project Manager for Superfund Actions at the Hudson Refinery in Cushing and the Tulsa Fuel and Manufacturing Site in Collinsville, as well as the Collinsville Smelter Voluntary Cleanup. She has been with the agency for seven years, working in the Superfund and Brownfields Programs. She was heavily involved in the formulation of Oklahoma's Brownfields Legislation, DEQ's implementing rules, and the negotiation of DEQ's Brownfields Memorandum of Agreement (MOA) with EPA. Rita received her Doctorate in Environmental Sciences from Oklahoma State University in 1998.

Abstract: Oklahoma has operated an informal voluntary cleanup program using Consent Orders since 1988. In 1996, brownfield legislation was passed giving DEQ the authority to provide certification to sites that had successfully completed the program. The law requires brownfields to meet site-specific, risk-based cleanup levels based on the future use of the property. Two types of certifications may be issued under the program - Certificates of Completion and Certificates of No Action Necessary. The Certificate must be filed with the property deed in the County Court House. There are penalties associated with changing the use of the site to a "higher use" without additional cleanup. Oklahoma provides financial incentives for the cleanup and reuse of brownfields through State sales tax exemptions and incentive payments from the Oklahoma Quality Jobs Program. Oklahoma recently passed legislation making certain brownfields eligible for the Clean Water Act State Revolving Loan Fund. In April 1999, Oklahoma signed a Brownfields Memorandum of Agreement with EPA that provides protection from federal Superfund actions for sites that are currently in the program and those that have completed the program.

Elliott P. Laws

Mr. Laws is the Executive Director of the Outlook Policy Forum (OPF), a solution-focused public policy institute dealing with energy, environmental, and economic issues. OPF operates by bringing together representatives from government and environmental organizations, universities and research centers, and industry and agricultural interests to develop methods and plans for solving the nation's energy and environmental problems. OPF is located in Alexandria, VA.

Mr. Laws is the former assistant administrator for Solid Waste and Emergency Response at the U.S. Environmental Protection Agency, serving from 1993-1997. In that position, Mr. Laws was responsible for the national solid and hazardous waste management programs, the comprehensive Environmental Response, Compensation, and Liability Act better known as Superfund, and the National Brownfields programs, as well as the agency's underground storage tank, chemical emergency planning and prevention programs, and several Agency-wide reinvention initiatives. After leaving EPA, Mr. Laws returned to his partnership at Patton Boggs, LLP, located in Washington, DC, where he is a member of the Environmental, Health and Safety, and the Public Policy practice groups.

Previously, Mr. Laws was a trial attorney in the Environmental Defense Section of the U.S. Department of Justice. While at the Department, he conducted litigation, primarily on behalf of EPA, but also for other federal agencies, including the Departments of the Army and Air Force. His representation of EPA included district and environmental statutes. Prior to joining the Department of Justice, he was an enforcement attorney with EPA's Water Enforcement Division.

Mr. Laws recently served as chairman of EPA's Title VI (Civil Rights Act) Implementation Advisory Committee. He is a member of the Department of Energy's Environmental Management Advisory Board. He also serves on the Board of Directors of the Environmental Law Institute. A former co-chair of the Environment Committee of



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the Bar Association of the District of Columbia, he is a co-author of several articles and books, and a frequent lecturer on varied environmental issues.

He began his legal career as an Assistant District Attorney in Manhattan. Mr. Laws is a member of the New York and District of Columbia Bars. He is a graduate of St. John's University and Georgetown University Law Center.

The Honorable Michael R. Turner

Since becoming Dayton's 66th Mayor in 1994, Mike Turner has set a direction that includes greater citizen participation, more government accountability, and a renewed focus on neighborhood safety and vitality.

Mayor Turner comes from a background of community activism. In addition to holding positions with an array of community organizations, he served five years as Chairperson of the Board of Zoning Appeals, where he honed his skills at building consensus between neighborhood residents and local businesses. As Mayor, he applies that same desire for neighborhood and small business success by promoting the rejuvenation of neighborhood business districts. He also developed Rahabarama, a private-public partnership to rehabilitate neglected houses in neighborhoods. Mayor Turner is a strong proponent for crime-fighting efforts in Dayton neighborhoods, pushing for more police officers. Under his leadership, city government is becoming more open by proactively reaching out to its many different constituents. As one example of helping to facilitate greater citizen involvement, Mayor Turner initiated the "Mayor's Night In" program, which gives citizens another avenue to express their concerns or comments about Dayton. Mayor Turner has worked to expand the community's economic base by pursuing international trade opportunities for Dayton-area business. He has also pursued ties with the countries of Bosnia-Herzegovina and Croatia as a result of the signing of the Dayton Peace Accords. The Mayor has also opened the door to cultural exchange programs by developing another sister-city partnership with Holon, Israel.

Mayor Turner received his undergraduate degree from Ohio Northern University and his law degree from Case Western Reserve University. Mayor Turner also received a Master in Business Administration from the University of Dayton in 1992. He is currently Corporate Counsel for Modern Technologies.

Mayor Turner was born in Dayton, Ohio and attended Dayton Public Schools. He lives in the Huffman neighborhood with his wife Lori and their two daughters.



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3M. Simple (and Legal) Ways to Empower Your Community

Level: 200
Date: Monday, December 06, 1999
Time: 1:00 - 2:30 PM
Location: Houston A

Purpose: Learn how to effect change, encourage action, and promote your community's interests through existing laws and mechanisms. This session will be highlighted by community representatives who set up a pro-bono network of interdisciplinary professionals and a grass-roots organization, which was granted eminent domain powers to help build affordable housing.

Speakers and Affiliation:

Warren Goldstein-Gelb (Moderator)
Research Development Director

Alternatives for Community and Environment
Roxbury, MA

Trish Settles
Director of Community Development

Dudley Street Neighborhood Initiative, Boston, MA
Roxbury, MA

Christina Zarcadoolas, Ph.D.
Assistant Professor

Brown University
Providence, RI

Warren Goldstein-Gelb

Warren Goldstein-Gelb is Research and Development Director for Alternatives for Community & Environment (ACE), a non-profit environmental justice law and education center based in Roxbury, Massachusetts. At ACE, Mr. Warren works to help ensure that residents and organizations in low-income communities of color have the information and resources they need to participate effectively in brownfields revitalization efforts. He has facilitated the development of workshops, newsletters, guidebooks, and articles that focus on building community capacity to redevelop brownfields according to the needs of local residents. He also participates in a recently formed initiative called Transportation, Development and Environment, which is working to ensure that "Smart Growth" in Roxbury actually benefits existing urban residents and the environment in which they live. Four Roxbury community organizations are participating as partners in the initiative.

Prior to joining ACE in 1998, Warren was Director of the Environment and Community Program at Tufts University's Lincoln Filene Center for Public Service, where he developed university/community partnerships with many community organizations. He organized "Vacant Lots to Common Ground: Strategies for Community-Based Brownfields Development" at the Lincoln Filene Center. The conference brought attention to the smaller, harder-to-develop brownfields sites that are often of great importance to residents and communities, but have often not been well addressed by current brownfields policy or practice.

Trish Settles

Trish Settles began work with the Dudley Street Neighborhood Initiative in 1993, first as an intern, later as the full-time Environmental Organizer, and now as the Director of Community Development. Her work has involved brownfields redevelopment; urban agriculture; sustainable development of new and existing projects; locally unwanted land uses such as trash transfer stations and asphalt plants; resource efficiency; lead poisoning prevention; hazardous waste sites; and broad community revitalization efforts. She has worked for three years on a fundraising campaign for an alternative women's mental health initiative, the Elizabeth Stone House. She also serves as Treasurer of the Board of Directors of the Boston Oil Consumer's Alliance.

Ms. Settles was a consulting hydrogeologist for Dames and Moore in San Francisco, then later transferred to the Dames and Moore Boston office. She has also worked for Hydro-Environmental Technologies in Acton. While working as a consultant, she conducted soil and groundwater sampling programs, performed groundwater flow and contaminant transport modeling, monitored client regulatory compliance, and developed and implemented remediation strategies with regard to hazardous waste disposal sites. After leaving consulting, she worked with a collaborative effort towards the passage of the Commonwealth's Rivers Bill.



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Ms. Settles holds a Bachelor's degree in Earth and Planetary Sciences from Washington University in St. Louis, a Master's degree in Geology with a specialty in hydrogeochemistry from the University of Missouri in Columbia, and a Master's degree in Urban and Environmental Policy from Tufts University in Medford.

Christina Zarcadoolas, Ph.D.

Biography / Abstract not available at time of printing.

